

District Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

S.M.S.,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

Case No. 2:24-cv-00996-RSM

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

Noted for Consideration:
August 23, 2024

Plaintiff and Defendants, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and move to stay these proceedings until January 27, 2025. Plaintiff brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel U.S. Citizenship and Immigration Services (“USCIS”) to schedule an interview and adjudicate her asylum application. Defendants’ response to the Complaint is currently due on September 13, 2024. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until January 27, 2025.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to

1 control the disposition of the causes on its docket with economy of time and effort for itself, for
2 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R.
3 Civ. P. 1.

4 With additional time, this case may be resolved without the need of further judicial
5 intervention. USCIS has scheduled Plaintiff’s asylum interview for September 27, 2024.
6 USCIS agrees to diligently work towards completing the adjudication within 120 days of the
7 interview, absent unforeseen or exceptional circumstances that would require additional time for
8 adjudication. If the adjudication is not completed within that time, USCIS will provide a status
9 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
10 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
11 documents prior to the interview may require the interview to be rescheduled and the
12 adjudication delayed. If needed, Plaintiff will bring an interpreter to the interview, otherwise
13 the interview will need to be rescheduled and the adjudication delayed. Once the application is
14 adjudicated, Plaintiff will dismiss the case with each party to bear their own litigation costs and
15 attorneys’ fees. Accordingly, the parties request this abeyance to allow USCIS to conduct
16 Plaintiff’s asylum interview and then process her asylum application.

17 As additional time is necessary for this to occur, the parties request that the Court hold
18 the case in abeyance until January 27, 2025. The parties will submit a status update on or
19 before January 27, 2025.

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1 DATED this 23rd day of August, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
4 United States Attorney

O'SULLIVAN LAW OFFICE

s/ Michelle R. Lambert

5 MICHELLE R. LAMBERT, NYS #4666657
6 Assistant United States Attorney
7 United States Attorney's Office
8 Western District of Washington
9 1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: (253) 428-3824
Fax: (253) 428-3826
Email: michelle.lambert@usdoj.gov

s/ Jane Marie O'Sullivan

JANE MARIE O'SULLIVAN, WSBA #34486
2417 Pacific Avenue SE, 2nd Floor
Olympia, Washington 98501
Phone: (206) 340-9980
Email: jane@osullivanlawoffice.com

Attorney for Plaintiff

10 *Attorneys for Defendants*

11 ***I certify that this memorandum contains 395***
12 ***words, in compliance with the Local Civil***
Rules.

ORDER

The case is held in abeyance until January 27, 2025. The parties shall submit a status update on or before January 27, 2025. It is so **ORDERED**.

DATED this 26th day of August, 2024.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE